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PATENTS

Attorney Docket No. 24011-0002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

[X] In re Application of: Robert Ivarie, Alex J. Harvey, Julie A. Morris, and Guodong Liu
Application No: 09/173,864 Group Art Unit: 1632
Filed: October 16, 1998 Examiner: Not yet known.
For: Novel Vectors in Avian Transgenesis

**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 CFR 1.9(c-f) and 1.27(b-d))**

With respect to the invention described in

[] the specification filed herewith.

[X] application no. 09/173,864, filed October 16, 1998.

I. IDENTIFICATION OF DECLARANT AND RIGHTS AS A SMALL ENTITY

I hereby declare that I am

[] the owner of the small business concern identified below:

[X] an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Avigenics, Inc.

ADDRESS OF CONCERN 845 Oak Grove Avenue, #220, Menlo Park, CA 94025 and

that the above identified small business concern qualified as a small business concern, as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

II. OWNERSHIP OF INVENTION BY DECLARANT

I hereby declare that rights under contract or law remain with and/or have been conveyed to the above identified concern

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any

Verified Statement (Declaration) Claiming Small Entity Status
Application No. 09/173,864

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concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a nonprofit organization under 37 CFR 1.9(e).

- ☐ no such person, concern, or organization
☒ person, concerns or organizations listed below

FULL NAME The University of Georgia Research Foundation, Inc.

ADDRESS Boyd Graduate Studies Research Center, Athens, GA 30602-7411

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

IV. DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

V. SIGNATURE

NAME OF PERSON SIGNING George Murphy

TITLE OF PERSON CEO

ADDRESS OF PERSON SIGNING Avigenics, 845 Oak Grove Avenue, #220, Menlo Park, CA 94025

SIGNATURE *George Murphy* DATE 30 Dec 98

124243.v1

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COMBINED DECLARATION
AND POWER OF ATTORNEY

Attorney Docket No. 24011-0002
Serial No. 09/173,864

As a below named joint inventor, each of us hereby declares as follows:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NOVEL VECTORS IN AVIAN TRANSGENESIS

the specification of which is identified as U.S. Serial No. 09/173,864, filed on October 16, 1998.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information of which I am aware that is material to the examination of this application in accordance with 37 CFR 1.56(a).

I do not know and do not believe: that this invention was ever known or used in the United States of America before our invention thereof; that this invention was patented or described in any printed publication in any country before our invention thereof or more than one year prior to this application; that this invention was in public use or on sale in the United States of America more than one year prior to this application; that this invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; nor that any application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns.

I hereby claim the benefit under Title 35, United States Code § 119(e) of the United States Provisional Application No. 60/062,172, filed October 16, 1997.

I hereby appoint the following attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

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Attorney Docket No. 24011-0002
Serial No. 09/173,864

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Palo Alto, CA 94301-1900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

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Serial No. 09/173,864

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